

APPENDIX E
RESPONSE TO COMMENTS

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Comment Response Table
Draft Environmental Assessment for the Conveyance of the American Museum of Science and Energy,
Parcel G, and Parcel 279.01 to the City of Oak Ridge, Tennessee

Comment No.	Page or Sheet	Comment	Response
<i>John A. Owsley (TDEC , DOE Oversight Division)</i>			
1.		The statements notifying potential property owners of acceptable risk in the groundwater should also indicate levels of potential liabilities and responsibilities. It is suggested that when “use” of groundwater is mentioned, a clarification should be inserted so that no “use classification” can be made except as prescribed by Tennessee Water Control Act, T.C.A. 69-3-105(a)(2).	Parcel G was reviewed under the South Campus Facility RI/FS in 1995 pursuant to the FFA. However, Parcel G was not part of the property noted in the RI/FS as being contaminated. As a matter of policy, DOE will include in the deed for Parcel G appropriate restrictions prohibiting groundwater use as has been the policy for previous land transfers. The text in Sect. 4.4.1 will be clarified to indicate that no “use classification” for groundwater can be made except as prescribed by Tennessee Water Control Act, T.C.A. 69-3-105(a)(2).
<i>Paul C. Boyer, Jr. (City of Oak Ridge)</i>			
2.		The EA describes the purpose of the proposed action is to preserve the museum as an asset to the City and to the surrounding region. The real property transfers are intended to help offset economic losses resulting from DOE downsizing, but also to help offset the City's long-term cost of operating the museum. My letter to ORO Manager Leah Dever dated March 27, 2001, and Ms. Dever’s October 3, 2001 response, acknowledge the importance of AMSE as an attraction to the City and of Parcel G in meeting DOE's and the City’s common objectives.	A sentence will be added to the EA in Sect. 1.1 (Purpose & Need) stating that the proposed action is also intended to help offset the City’s long-term cost of operating the museum.
3.		I recommend that the Parcel G. boundary be reconfigured to exclude all three Swine Waste Ponds, as these are liabilities and add no value to the development potential of the parcel.	Parcel G as currently configured includes the three former Swine Waste Ponds. For purposes of analysis, the ponds will remain in the EA. Reconfiguration of the Parcel G boundary to exclude the ponds could be a topic of discussion between the City and DOE during negotiations for the actual transfer.
4.		Because deed restrictions and reversion clauses will have an impact on the marketability of the property, I recommend that these institutional controls be avoided for the subject parcels unless there is clear evidence of contamination that cannot be remediated. Easement and deeds should contain language that is consistent with the model established during the recent water plant transfer.	Land transfers are not accomplished on any “model” basis and are tailored to each specific action. The subject of deed restrictions and reversionary rights will be addressed during subsequent negotiations.

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5.		I recommend that the boundary of Parcel G be reconfigured to incorporate the gravel access road, which begins at the gate and runs along the northern border of Parcel G parallel with the Bethel Valley right-of-way and fence. By doing so, marketability would be enhanced, and the development would minimize further disturbance of environmentally sensitive areas, particularly along Scarboro Creek.	DOE acknowledges the City's comment about access to Parcel G.
6.		I recommend that ownership of all artifacts be transferred to the City as part of the museum conveyance; otherwise, DOE would still be actively engaged in museum operations, significantly reducing any benefit associated with the proposed action.	It is DOE's intention to maintain ownership of historic and scientific artifacts and archives currently on display or stored at the museum. Prior to the transfer, DOE will conduct an inventory of the items contained within the museum and make a determination on which items have cultural/historical significance and require protection under the National Historic Preservation Act. It is assumed that those items that do not have a historical significance requiring protection would be transferred to the City.
7.		Since it does not appear that the TDOT project encompassed the entire remaining 57 acres, and it is unclear why the parcel was reduced to such a degree, I respectfully request that DOE review the situation and move to declare more the land surrounding the subject acreage excess to the agency's needs. Such an action will significantly enhance the marketability and cost-effectiveness of developing the site, and will provide a greater assurance that DOE's and the City's objectives as stated in the EA are met.	The scope of this EA was defined by the City's letter dated March 27, 2001 to DOE requesting the transfer of Parcel G (18-20 acres). DOE's response to the City's letter dated October 3, 2001 also stated that the size of Parcel G being considered was 18.62 acres.
8.	Sect. 3.2.2	Finally, several minor corrections and one clarification are recommended. Section 3.2.2 pertaining to air quality states that Anderson County would not meet the new ozone standard and Roane County would not meet the new standard for very fine particles if the standards were implemented. Since these standards have not been finalized by the Environmental Protection Agency, statements suggesting noncompliance are misleading and should not be included in the final EA.	The last sentence in Sect. 3.2.2 will be deleted.
9.	Sect. 3.9.2; pg. 5-3	Section 3.9.2 incorrectly states that the AMSE obtains refuse removal services from the City of Oak Ridge. The City does not provide this service. Page 5-3 refers to the Boeing Site Development. The new name for this development is Rarity Ridge.	The statement about refuse removal services will be corrected and the new name for the former Boeing property will be added.

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10.	Sect. 4.8.1.3	Section 4.8.1.3 describes the possible fiscal impacts of the proposed conveyance on the City. The final EA should include additional information regarding the current budget for AMSE as compared to the projected \$1.7 million budget the EA states would be required to operate the museum in years 1-5, and \$1.8 million in years 6 and beyond.	DOE will obtain and present the current AMSE budget in the final EA to provide a comparison to the projected \$1.7 million budget.
11.		The sentence in paragraph two of this section beginning “An increase of \$1.8 million . . .” should read “An increase to \$1.8 million . . .”	The text in the second paragraph will also be revised to read “An increase to \$1.8 million...”
<i>Jo Ann Thompson</i>			
12.		I ask that the 3.36 acres of wetlands including the Scarboro Creek flood plain be protected by D.O.E. by placing permanent restrictions on Parcel G, prohibiting destruction of the wetlands and flood plain, prior to transfer of Parcel G to the City of Oak Ridge.	The 3.36-acre figure in the Draft EA includes the wetlands within Parcel G and the adjacent DOE property to the south. The wetlands within the Parcel G boundary only total about 1 acre. Prior to any development that might occur having the potential to impact the wetlands and floodplain would be subject to regulation by the Corps of Engineers and TDEC including obtaining any applicable permits.
<i>D.E. White</i>			
13.		I would prefer to see the transfer of AMSE to a private endowment.	Comment noted. The proposed action includes UT-Battelle participating in a development campaign designed to establish an endowment for the museum.
<i>Lloyd Stokes (ORHPA Rep.)</i>			
14.		AMSE EA is one the best that I have reviewed in several years. My only concern is that DOE “put restrictions” on museum building, land adjacent to museum and the cultural resources owned by DOE to prevent their disposal/sale to anyone but a “foundation” by the City of Oak Ridge. The nation and citizens of Oak Ridge need the AMSE to build our greatest industry—tourism and the Manhattan Project. This should be done to satisfy the NHPA, Executive Order 11593 and, of course, NEPA requirements. Why has AMSE not been submitted for the National Register of Historic Places?	It is not DOE’s intention to place restrictions on the City regarding the museum facility and the adjacent property. However, it is DOE’s intention to maintain ownership of historic and scientific artifacts and archives currently on display or stored at the museum. Prior to the transfer, DOE will conduct an inventory of the items contained within the museum and make a determination on which items have cultural/historical significance and require protection under the NHPA. DOE is currently working with the TN-SHPO to ensure the proper curation and management of these resources. The proposed action includes UT-Battelle participating in a development campaign designed to establish an endowment for the museum. The AMSE has not been determined to be eligible for the NRHP because it does not meet the NRCE and, thus, is not yet considered to be an historic property.

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<i>Ed Westcott</i>			
15.		My choice - Transfer to Private Endowment, UT-Battelle has resources to raise funds. Oak Ridge contractors have plenty of sources to raise money. Let them sell property to raise tax money for City. Keep the City out of this. City has no business trying to run a museum. Museum cannot pay its way now. City is not in real estate business. Let DOE sell property. City cannot be stuck with Parcel G—too many restrictions. DOE take bids on Parcel G or turn over to City to sell.	Comment noted. The proposed action includes UT-Battelle participating in a development campaign designed to establish an endowment for the museum.